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Attorneys for Defendant ZOGSPORTS  
HOLDINGS LLC, erroneously sued as  
ZOGSPORTS

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION

KEITH ERNST, ARTHUR  
OGANESYAN, and ALAN NAH,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

ZOGSPORTS, an unknown business  
entity; and DOES 1-50, Inclusive,

Defendant.

Case No. 2:18-cv-09043-RGK  
(MRWx)

**DECLARATION OF MICHAEL  
MORTELLARO IN SUPPORT OF  
DEFENDANT’S OPPOSITION TO  
PLAINTIFFS’ MOTION FOR  
CONDITIONAL COLLECTIVE  
ACTION CERTIFICATION  
PURSUANT TO FLA SECTION  
216(B) AND MOTION FOR CLASS  
CERTIFICATION PURSUANT TO  
FRCP RULE 23**

Date: February 11, 2019  
Time: 9:00 AM  
Judge: Hon. R. Gary Klausner  
Ctm.: 850

Removal Filed: October 22, 2018  
Complaint Filed: September 20, 2018  
[Los Angeles County Superior Court]

**DECLARATION OF MICHAEL MORTELLARO**

I, Michael Mortellaro, declare:

1. I am Chief Operating Officer for Defendant ZogSports Holdings, LLC  
 (“ZogSports”) in the above-captioned matter and have served in that capacity since  
 2014 and other capacities since 2009. I have personal knowledge of the matters

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1 stated herein except as otherwise indicated, and if called as a witness, could and  
2 would competently testify thereto.

3 2. I make this declaration in support of ZogSports' Opposition to  
4 Plaintiffs Keith Ernst, Arthur Oganessian, and Alan Nah's ("Plaintiffs") Motion for  
5 Conditional Collective Action Certification Pursuant to FLSA Section 216(B) and  
6 Motion for Class Certification Pursuant to FRCP Rule 23 ("Motion").

7 3. ZogSports has enrolled over 100,000 participants since 2014.

8 4. Plaintiff Keith Ernst has participated in 13 seasons of ZogSports,  
9 including our most recent season.

10 5. Plaintiffs' counsel, Danny Yadidsion, participated in 11 consecutive  
11 seasons and stopped participating just weeks before filing the instant lawsuit against  
12 ZogSports.

13 6. The individual registration fee for participants is generally less than  
14 \$100 per season.

15 7. By registering and/or participating in ZogSports, Plaintiffs and their  
16 attorney agreed to abide by certain community and league rules.

17 8. The league rules required the teams that Plaintiffs and their counsel  
18 played on to participate by, among other things: showing up to their scheduled  
19 games and providing a volunteer referee for games played by other teams in the  
20 league generally immediately before or after the team's game. Generally, there were  
21 fewer volunteer referee slots during the season than there would be participants on a  
22 team.

23 9. The league rules were available on ZogSports' website and were terms  
24 that were agreed to as part of the community experience that consumers would  
25 purchase.

26 10. To my knowledge, other than the Complaint filed in this action,  
27 ZogSports has never received a complaint alleging that Volunteer Referees are  
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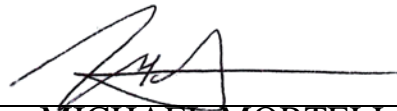
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1 entitled to compensation, and I could find no evidence of any complaints in our  
2 records or from our staff. To my knowledge, no Volunteer Referee has ever  
3 complained that he or she was entitled to compensation. I am also not aware of any  
4 Volunteer Referee ever expressing an expectation of compensation.

5 I declare under penalty of perjury under the laws of the United States of  
6 America that the foregoing is true and correct.

7 Executed on this 18th day of January 2019 at Long Island City, New York.

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MICHAEL MORTELLARO